

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

MARITZA SOLA MORALES

Debtor(s)

CASE NO.: 15-03511-BKT

CHAPTER: 13

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now, Scotiabank de Puerto Rico ("Scotiabank"), secured creditor, through the undersigned attorney and very respectfully states and prays:

1. Scotiabank is a secured creditor by virtue of being holder in due course of a conditional sales contract which encumbers debtor's 2009 Suzuki SX4 automobile. [Claim No. 1].

2. Debtor's post-confirmation amended plan dated February 6, 2017 provides that Scotiabank's secured claim would be paid in full through the chapter 13 trustee. [Docket No. 74].

3. At present, payments to trustee are in arrears in the amount of \$2,669.00, for lack of payment of more than seven (7) monthly installments. [Docket No. 74]. Furthermore, even in consideration of the proposed post-confirmation amended plan dated January 15, 2018, payments to trustee would be in arrears in the amount of \$1,634.00, for lack of payment of more than four (4) monthly installments. [Docket No. 104].

4. Such lack of payment constitutes a material default by the debtor with respect to a term of the confirmed plan. 11 U.S.C. § 1307(c) (6) .

WHEREFORE, Scotiabank respectfully requests from this Honorable Court that this case be dismissed under section 1307(c) (6) of the Bankruptcy Code.

RESPECTFULLY SUBMITTED.

NOTICE

Within thirty (30) days after service as evidenced by the certification, and three (3) additional days, pursuant to Fed.R.Bankr.P. 9006(f), if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief requested is forbidden by law; (ii) the requested relief requested is against public policy; and/or (iii) in the opinion of the Court, the interest of justice requires otherwise.

In San Juan, Puerto Rico, on July 24, 2018.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this same date the foregoing was electronically filed, utilizing the CM/ECF System, which, upon information and belief, will notify the same to all participants, including Debtor's attorney Roberto Figueroa Carrasquillo; and Chapter 13 Trustee Alejandro Oliveras Rivera; also the foregoing has been caused to be served by first class mail to debtor Maritza Solá Morales, Turabo Gardens I, N 16, 11TH Street, Caguas, San Juan, Puerto Rico, 00727; to debtor's attorney Roberto Figueroa Carrasquillo, P.O. Box 186, Caguas, Puerto Rico, 00726-0186; and to the Chapter 13 Trustee Alejandro Oliveras Rivera, P.O. Box 9024062, San Juan, Puerto Rico, 00902-4062.

In San Juan, Puerto Rico, on July 24, 2018.

Fernández, Collins, Cuyar & Plá

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